## UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

NEW COUNTRY AUDI INC.

Employer

and

Case 34-RC-2320

INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, DISTRICT LODGE 26

Petitioner

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board has considered objections to an election held on July 17, 2009, and the Regional Director's report recommending disposition of them.

The election was conducted pursuant to a Stipulated Election

<sup>1</sup> Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a threemember group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See Snell Island SNF LLC v. NLRB, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. September 11, 2009) (No. 09-328); New Process Steel v. NLRB, 564 F.3d 840 (7th Cir. 2009), cert. granted, \_\_ S.Ct. \_\_ , 2009 WL 1468482 (U.S. Nov. 2, 2009); Northeastern Land Services v. NLRB, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. August 18, 2009) (No. 09-213). But see Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed, \_\_U.S.L.W.\_\_ (U.S. September 29, 2009)(No. 09 - 377).

Agreement. The tally of ballots shows 13 for and 9 against the Petitioner, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the Regional Director's findings and recommendations, 2 and finds that a certification of representative should be issued.

## CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for International Association of Machinists & Aerospace Workers, AFL-CIO, District Lodge 26, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time service technicians employed by the Employer at its Greenwich, Connecticut Audifacility; but excluding all other employees, office clerical employees, and guards, professional employees and supervisors as defined in the Act.

Dated, November 18, 2009, Washington, D.C.

(SEAL)

Wilma B. Liebman, Chairman

Peter C. Schaumber, Member

NATIONAL LABOR RELATIONS BOARD

 $<sup>^2</sup>$  In the absence of exceptions, we adopt pro forma the Regional Director's recommendation to overrule the Employer's Objection 1.